

EX PARTE OR LATE FILED

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

*Pat Donovan*  
*pm 544*

*mmDole.92-266*

IN REPLY REFER TO:

8310-MEA  
CN9300462

18 FEB 1993

RECEIVED

MAR 22 1993

Honorable Bob Dole  
United States Senator  
636 Minnesota Avenue  
Kansas City, KS 66101

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Senator Dole:

Thank you for your letter on behalf of Tony Bertels of Olathe, Kansas. Your constituent objects to rate increases by his local cable television operator.

I have enclosed for your constituent's information publications describing pending Commission proceedings under the 1992 Cable Act. Although these

# Congressional

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CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM  
02/09/93

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9300462	02/09/93	02/03/93	02/22/93	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Senator	Robert Dole	BC

CONSTITUENT'S NAME	SUBJECT
Tony Bertels	inq. re: rate regulation & 92 Cable Act

REF TO	REF TO	REF TO	REF TO
MMB	ENF	CPI	

DATE	DATE	DATE	DATE
02/09/93	2/9	2-10	

REMARKS: Respond to the Kansas City, KS office.

9 FEB 1993

BOS DOLE  
KANSAS  
141 SENATE HART BUILDING  
(202) 224-6521

# United States Senate

WASHINGTON, DC 20510-1601

February 3, 1993

COMMITTEES:  
AGRICULTURE, NUTRITION, AND FORESTRY  
FINANCE  
RULES

*MMS  
CATV Rules  
462*

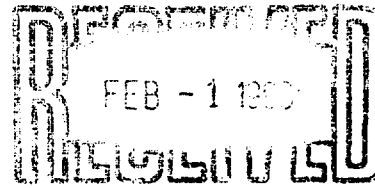
**Ms. Sizemore**  
**Legislative Affairs**  
**Federal Communication Commission**  
**1919 M Street Room 808**  
**Washington, D.C. 20554**

**Dear Ms. Sizemore:**

1-26-1993

To: Senator Bob Dole  
636 Minnesota Ave  
Kansas City, Ks 66101

SEN. BOB DOLE



KANSAS CITY OFFICE

Ref: Jones Intercable

Dear Senator Dole:

My name is Tony Bertels. As a constituent, I have never written you, though I have voted for you in every election since I became old enough to cast my ballot (1976).

I realize that you are a very busy man, especially now that the Democrats have come to roost. Enclosed you will find a copy of a letter I sent to Jones Intercable as well as the notice that was sent to me concerning a rate and service change. To the best of my knowledge, this carrier has never sent a newsletter before. My monthly notices look like other bills I receive. Even my paper boy lets me know above board if my subscription goes up!

The service change they have announced is a sham and a quick way to get deeper into our pockets. I find it astounding that a legitimate company would pull a stunt like this. My present basic cable package (\$11.95) contains everything they propose in their Limited Basic Service less Government Access. I have ESPN instead! To retain ESPN, I will be forced to spend an additional \$10.80 a month. Can you see the reason for my dismay?

I know that this may be a trivial issue for your office, but I sincerely feel something should be done about such obvious disdain for what is right and fair. Maybe a call from you to Mr. Johnson down at Jones Intercable would make them think twice before they put the screws to us again!

Thank you,

Tony Bertels  
15109 S. Blackfoot Dr.  
Olathe, Ks. 66062

1-26-1993

To: Doug Johnson GM  
Jones Intercable, Inc.  
P.O. Box 2000  
Independence, Mo. 64055

Ref: Service Rate Hike

Mr. Johnson:

As one of your cable subscribers, I felt it necessary to write and express my dissatisfaction and dismay at the under-handed way in which Jones Intercable informs its customers of a rate increase and a MAJOR change in basic service.

You must feel that your general clientele is not only ignorant, but of little or no consequence in the way you choose to do business. Disguising important notices that affect not only our viewing but also our wallet is deceitful and most probably borders on illegal! Your notice looks an awful lot like the majority of junk mail that passes quickly from hand to trash without being opened. It was lucky for us that your guise did not go totally unnoticed!

A small rate increase, though hard to swallow in these times of 0% inflation, would have been bearable. Your change in basic service is absolutely ridiculous! Who in their right mind is going to subscribe to limited basic? What on earth is the draw? You can receive most of these stations free! WGN and TBS are not viable reasons for this package. Who are you trying to fool? Only the inclusion of ESPN made the package worthwhile. Your "modest rate increase of 6%" is a joke when going from \$11.95 to \$22.85. That's more like 100% in my book! Most of the stations in your Tier One Service are of little or no value to me and I dare say thousands of other households.

I welcome the day when another carrier will have the opportunity to vie for my business. I have a long memory and the rotten taste in my mouth from this little affair will certainly linger. A copy of this letter and your deceitful notice will be sent to Senator Dole's office. I'm quite sure a large number of your subscribers will be joining me in this endeavor.

Sincerely,

Tony Bertels, subscriber  
15109 S. Blackfoot Dr  
Olathe, Ks. 66062

JONES INTERCABLE

# ENTERTAINMENT

WINTER 1993 VOL. 1 NO. 3

POSTAGE PAID  
BULK RATE  
PERMIT #5042  
KANSAS CITY, MO

'93



P.O. Box 2000  
4700 Selsa Rd.  
Independence, MO 64055

CAR-RT SORT

\*\*RROB

TONY BERTLS  
15109 S BLACKFOOT DR  
OLATHE KS 66062

## VIEWPOINTS

I would like to take this opportunity to advise you of several changes that Jones Intercable will make in our cable television service offerings and rates. First, we have renamed our current *Basic Only* and *Tier* services. Second, we will change the channel locations of some of our services. Third, we will be launching a new programming service. And finally, we will adjust the rate for one level of our service.

Effective March 1, 1993, the system will offer new *Limited Basic* and *Tier One* services. The new *Limited Basic Service* replaces our *Basic Only* level of service. It is designed for those customers who are interested in receiving cable only for improving the reception of local television stations or who would like to have a lower priced option available. We believe this

### TIER ONE

We will also modify our current *Tier* service effective March 1, 1993. Our new *Tier One Service* will consist of channels 15 through 36, excluding premium services. The new *Tier One Service* will include certain services previously carried on our *Basic* lineup, and some of those currently offered on our *Tier* service. The price for *Tier One Service* will be \$10.80. It must be purchased in conjunction with the *Limited Basic Service*. Those customers subscribing to *Limited Basic* and *Tier Ones Services* will receive what we will popularly call our *Basic Plus Package*. *Tier One Service* will consist of the following programming:

- 15 - The Family Channel
- 16 - The Weather Channel
- 19 - CNN Headline News
- 20 - Home Shopping Club
- 22 - CNN

Headline News will no longer be on the *Limited Basic Service*.

Customers who currently receive *Basic* service and wish to receive the programming now provided as part of our *Tier One Service* (including ESPN and CNN Headline News), may contact our office at 795-1100 (Missouri) or 782-4466 (Kansas) and request a subscription to the new *Tier One Service*. There will be no charge to upgrade.

Effective March 1, 1993, customers subscribing to our *Basic Plus Package* (*Limited Basic* and *Tier One Services*) will find some channels in different locations and Black Entertainment Television (BET) added to their line-up. The new price for this package is \$22.75 per month (\$11.95 for *Limited Basic Service* plus \$10.80 for *Tier One Service*). This represents an increase of \$1.30 per month. This modest 6% increase is

City Hall Fax:

614-477-8247

EX PARTE OR LATE FILED

# City of Circleville

THOMAS ROYSTER, MAYOR  
CITY HALL, 127 SOUTH COURT STREET

CIRCLEVILLE, OHIO 43113-1611

TELEPHONE (614) 477-2551

EX PARTE OR LATE FILED

92-266

1080808

March 1, 1993

Mr. Dennis R. Pickens  
Chair., Citizens Committee  
On Cable Television  
127 Park Street  
Circleville, Ohio 43113  
PH.: 614-474-5243

RECEIVED

MAR 22 1993

Federal Communications Commission  
Director of Complaints & Information (Cable Television)  
1919 M. Street N.W.  
Washington, D.C. 20554-0001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Dear Director:

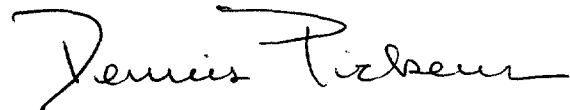
My committee and I, along with thousands of Americans, were very pleased at the passage of The Cable Television Consumer Protection and Competition Act of 1992. We appreciate, also, the efforts of the Commission in the past few months in developing guidelines for rate regulation.

On January 26, 1993, Mr. David G. Johnston, General Manager of Continental Cablevision of Ohio, Inc., informed our city that his company intended to raise rates on "Basic Cable" (which was more than doubled last year), "Broadcast Satellite", "Showtime" and "Cinemax". He further stated his company would begin assessing subscribers for previously uncharged set-

We are requesting that your office investigate this matter in the manner you deem appropriate. We also request that you inform us as to the process of initiating rate regulation in our city. Having studied the matter, I believe that we qualify since "effective competition" does not exist in this market.

If you should have any questions or require further data, please feel free to contact me at my home address most mornings, or through the Mayor's Office. Thank you for your consideration of this matter. I will look forward to hearing from you in the immediate future.

Very truly yours,

A handwritten signature in cursive script, reading "Dennis Pickens". The signature is fluid and extends to the right.

Dennis Pickens

cc. Hon. Howard Metzenbaum, United States Senator, Ohio.

Hon. John Glenn, United States Senator, Ohio.



REPORT TO CITY COUNCIL BY THE CITIZENS COMMITTEE ON CABLE TELEVISION  
IN RESPONSE TO CONTINENTAL CABLEVISION'S INTENT OF RATE INCREASE (IN  
ITS LETTER TO MAYOR ROYSTER AND MEMBERS OF CITY COUNCIL - JAN. 26, 1993).

MR. DENNIS R. PICKENS, CHAIR.; FEB. 2, 1993

I. IT SHOULD BE STATED FROM THE VRRY BEGINNING THAT THE FCC HAS NOT



**Continental  
Cablevision®**

January 26, 1993

Mayor Tom Royster  
City of Circleville  
127 South Court Street  
Circleville, Ohio 43113

Dear Mayor Royster,

On October 5, 1992 the Congress of the United States enacted The 1992 Cable Act. Over the next eighteen months as various provisions of the legislation become effective, Continental Cablevision will keep you informed of changes in the cable system related to this legislation.

One of the first areas being addressed by the FCC will be the development of a basis for regulating broadcast basic service rates and overseeing changes in the way cable operators charge for optional ancillary services such as remote converters, set-top (manual) converters and additional outlets. Currently Continental prices optional ancillary services on the basis of their "value" to the subscriber (except that we have never charged for set-top converters). The new cable bill appears to expect rates for these services to be limited by cable companies' "costs" to provide them to subscribers.

The FCC is currently developing guidelines under which they

Additionally, we have chose to increase our Broadcast Basic rate by \$1.55 per month, but we will also reduce the Satellite service by the \$1.05 in order to achieve a combined rate that is only 50 cents higher for customers subscribing to both levels of service.

Finally, we will be adjusting the price of two premium services (Showtime, Cinemax,) by one dollar per month to help offset the revenue reductions related to additional outlets, remote converters and to offset increasing operating expenses.

These changes will cause customers to experience an increase

CONTINENTAL CABLEVISION  
1993 RATE CHANGE  
CIRCLEVILLE

		<u>MONTHLY REVENUE</u> <u>IMPACT</u>
PROJECTED ADDITIONAL OUTLET SUBSCRIBERS	783	
MONTHLY RATE REDUCTION	\$2.25	-\$ 1,762
PROJECTED REMOTE CONVERTER SUBSCRIBERS	275	
MONTHLY RATE REDUCTION	\$1.50	-\$ 413
PROJECTED SET-TOP CONVERTER SUBSCRIBERS	1149	
NEW MONTHLY RATE	\$1.50	\$ 1,724
PROJECTED BROADCAST BASIC SUBSCRIBERS	3,251	
INCREASE IN MONTHLY RATE	\$1.55	\$ 5,039
PROJECTED SATELLITE SERVICE SUBSCRIBERS	3,206	
DECREASE IN MONTHLY RATE	\$1.05	-\$ 3,366
PROJECTED SHOWTIME, CINEMAX SUBSCRIBERS	394	
INCREASE IN MONTHLY RATE	\$1.00	<u>\$ 394</u>
TOTAL PROJECTED MONTHLY REVENUE IMPACT		\$ 1,616

CONTINENTAL CABLEVISION  
1993 RATES (EFFECTIVE 4/1/93)  
CIRCLEVILLE

CURRENT	RATE EFFECTIVE
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**CONTINENTAL CABLEVISION OF OHIO, INC.  
INSTALLATION RATES (EFFECTIVE APRIL 1, 1993)  
FAIRFIELD/LICKING/PICKAWAY COUNTIES**

BROADCAST BASIC INSTALLATION	\$50.00
SATELLITE SERVICE INSTALLATION	\$50.00
PREMIUM SERVICE INSTALLATION	\$ 5.00
ADDITIONAL OUTLET INSTALLATION	\$30.00
TRANSFER MOVE	\$30.00
VCR HOOK-UP	NO CHARGE
A/B SWITCH	\$30.00
WALL FISH	\$20.00
PARENTAL LOCK BOX	\$30.00

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Other installation rates such as commercial, bulk, etc., are available through the local Continental Cablevision office.

The Columbus Dispatch

**Metro**

# CIRCLEVILLE Herald

PICKAWAY COUNTY

Wednesday, February 3, 1971

109th Year — 28

## Pickens: Cable jumps price to beat regulation

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# Cable rates rise before regulation

Companies  
repackaging  
programs

USA TODAY:  
MONDAY DEC 21, 1992

Q412R  
31992

# Community Update

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**O**n October 5, 1992 the Congress of the United States enacted The Cable Television Consumer Protection and Competition Act (the 1992 Cable Act). Over the next several months as various provisions of this legislation become effective, Continental Cablevision will keep you updated on changes to your system related to this legislation.

Most of the major provisions require the Federal Communications Commission (FCC) to establish guidelines for regulating the cable television industry. Because the law requires the FCC to conduct twenty-four (24) rulemakings and studies over the next two years, there are many unanswered questions about its impact.

The following is a brief explanation of some of the provisions as they are presently understood.

## Rate Regulation

One of the first areas being addressed by the FCC will be the development of a basis for regulating basic broadcast service rates and overseeing changes in the way cable operators charge for optional ancillary services such as remote converters, set-top converters and additional outlets. Currently, Continental prices optional ancillary services on the basis of their "value" to the subscriber (except that we have never established a monthly fee for set-top converters). The new cable bill appears to expect rates for these services to be limited by cable companies' "costs" to provide them to subscribers. Our analysis of the cable bill is that it expects cable operators to have cost-based rates for ancillary services in place by April 3, 1993. As a

result of these expectations, Continental Cablevision has already announced a realignment of rates which will take effect April 1, 1993.

Rates for our satellite service package which include services like CNN, The Discovery Channel, Nickelodeon and ESPN may also be regulated by the FCC.

In establishing rate standards, the FCC is directed to take into account factors such as the cost of operating the cable system, revenues received and the quality of customer service provided. Rates for individual premium services like HBO, Showtime and Disney remain unregulated.

## Broadcast Signal Carriage

The law gives all local commercial broadcasters the option of requiring the cable operator to carry the station's signal (must carry) or requiring consent for carriage (retransmission consent). If a commercial broadcaster opts for retransmission consent, it may demand payment or other concessions from the cable operator or refuse to let us carry their signal. Both provisions have been challenged in court.

## Channel Line-Up Changes

Despite the fact that a Federal Appeals Court has twice struck down on First Amendment grounds the FCC must-carry rules, the 1992 Cable Act requires cable operators to carry the signals of certain local broadcast television stations.

Several variables may cause disruption of your current line-up.

1. Some broadcasters may not give us consent to carry their signals and force us to drop them from the cable system.
2. Redefinition of a broadcast station's area may change that station's carriage rights on your system.
3. As part of the must-carry provision up to one-third of the active channels must be set aside for local commercial broadcasters. This may require dropping cable satellite networks to add broadcast stations.
4. The must-carry provision may also entitle a broadcast station to select its channel position according to several conflicting criteria.
5. Other issues such as copyright fees, duplication of programming and quality of signal must be resolved before we can determine the extent of any changes.

Since we don't know the outcome of the Constitutional challenge of the must-carry provision or what decisions broadcasters will make, we cannot estimate the extent of the changes.

## In Summary

Although the 1992 Cable Act went into effect December 4, 1992, many of the provisions still require rulemaking by the FCC. Four deadlines have been established for these rulemakings and will occur throughout 1993. The fifth and final deadline is April 3, 1994. Continental Cablevision will keep you updated on any changes to your cable service caused by this legislation. In the meantime, if you have any questions, please feel free to contact your local Continental office.

93020024

RECEIVED  
CITY OF MOUNDSVILLE

JAN 4 9 33 AM '93

**M**oundsville

MOUNDSVILLE, WEST VIRGINIA

CLERK'S OFFICE 845-3394  
POLICE 845-1611  
CITY MANAGER 845-6300  
FIRE 845-2050  
FAX 845-7130

December 29, 1992

RECEIVED

MAR 22 1993

Federal Communication Commission  
Mass Media Bureau  
Cable Branch  
1919 Elm Street, NW  
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

92-266

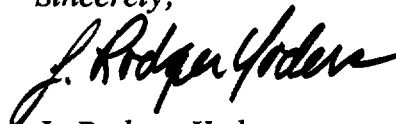
Dear Sir or Madam:

Enclosed you will find a copy of a letter from TCI of West Virginia, Inc. concerning notification of an increase in rates for service effective February 1, 1993. I have been informed verbally that this will be an increase in the amount of 3 1/2 percent.

Moundsville City Council, at their regular meeting on December 28th, has directed that a formal protest be made by the City of Moundsville regarding this most recent action.

We have also enclosed an ordinance adopted by the City granting a franchise to TCI in February, 1986 for your review. Should you have any questions regarding this protest, please do not hesitate to contact me.

Sincerely,



J. Rodger Yoders  
City Manager

Enclosures

**AN ORDINANCE GRANTING A FRANCHISE TO COMMUNITY TCI OF OHIO, INC., TO CONSTRUCT, MAINTAIN AND REMOVE A TELEVISION SIGNAL RECEPTION AND DISTRIBUTION SYSTEM UPON, ALONG AND ACROSS THE PUBLIC ALLEYS AND STREETS OF THE CITY OF MOUNDSVILLE**

WHEREAS, Community TCI of Ohio, Inc., did, more than thirty (30) days prior to the time of the enactment of the following ordinance, to-wit: on the 4th day of November, 1985, file with the Clerk of the City of Moundsville, Marshall County, West Virginia, an application for the franchise contained in this ordinance, and

WHEREAS, notice of said application, stating the object of such franchise has been published in the Moundsville Echo, a newspaper of general circulation in the City of Moundsville, on the 29th and on the 5th days of February 1986, and January

WHEREAS, more than thirty (30) days after the filing of such application, to-wit: on the 11th day of February, 1986, at 7:30 o'clock, p.m., in the Council Chambers of the Council of the City of Moundsville, Council convened in a regular session at the hour aforesaid, and did give any citizen or corporation interested in the granting or refusing of such franchise, an opportunity to be heard, and it being the opinion of said Council that the interests of the City of Moundsville and its citizens will be promoted by the granting of such application.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNDSVILLE, MARSHALL COUNTY, WEST VIRGINIA:

Section 1. The City of Moundsville, Marshall County, West Virginia, does hereby grant unto Community TCI of Ohio, Inc., a franchise to install, erect, maintain, and operate a transmission and distribution system as defined in Section 2. hereof, in, over, under, along, across and upon the streets, lanes, alleys, avenues, bridges, highways and other public places in the City of Moundsville, for the purpose of transmission and distribution by cable of television signals and impulses of the same quality as those received at the antenna site, for sale to residents of the City of Moundsville, West Virginia, during the term hereof.

Section 2. Said television signal reception and distribution system shall consist generally of cables and wires, amplifier boxes, distribution transformers and other fixtures and equipment mounted upon and hung between existing electric and telephone utility poles now used for utility service in said City, all of which system shall be constructed of such materials and in such manner so as not to obstruct or impede the passage of pedestrian or vehicular traffic upon and along public alleys and streets in the said City of Moundsville, nor to obstruct or impede traffic to and from said alleys and streets from private property and so as not to constitute a health, fire, electrical, safety or other hazard to persons or

property and so as not to violate the laws, regulations and ordinances of the State of West Virginia, its political subdivisions or any commissions and agencies thereof.

Section 3. The said Community TCI of Ohio, Inc., shall procure any and all easements, rights of way, covenants, grants, certificates of approval and permits which may be required from any private persons or corporations, or from any federal, state, municipal or other governmental authority and from the utility companies presently operating in the City, for or in connection with the placing, maintaining or using of the attachments and the television cable herein referred to, or the granting of this permit. No poles, towers and/or other facilities for erection and carrying of transmission and distribution lines shall be erected in, over, under, along, across or upon the public streets, highways, or other places where poles, towers, and/or other facilities of any light, telephone or telegraph company already exist, and are available for this purpose. The transmission and distribution lines for television impulses and television energy, as well as other needed appliances shall be, placed, erected and maintained upon said poles, towers and other facilities of said light, telephone and telegraph company, it being the obligation of the Licensee under this contract to obtain such permission.

Section 4. Said franchise shall be effective for a period of ten (10) years from and after the date of enactment of this ordinance, unless sooner terminated by the provisions of this ordinance.

Section 5. Said franchise shall be non-assignable and otherwise non-transferrable by said Community TCI of Ohio, Inc., except upon the prior consent of said Council by Resolution. Such consent shall not be unreasonably withheld. Additionally, no consent shall be required when the franchise is transferred or assigned to an entity or person controlling, controlled by, or under common control with Community TCI of Ohio, Inc.

Section 6. (a) Licensee shall furnish, upon request, one free connection and basic services for all charitable institutions and schools within the City and shall provide free connection and service to City firehouses upon approval of the Council, provided that such charitable institutions or firehouses be within reasonable and practicable connection distance from Licensee's existing distribution line.

(b) That said Community TCI of Ohio, Inc., shall, at all times, maintain said system in a state of good order and repair and in conformity with Section 2., of this ordinance, and that it shall execute, deliver and maintain on file with said Council, a written covenant to save said City and its employees, agents and officials harmless from and to indemnify it and them against, and to defend all actions against said City and its employees, agents and officials for all and every kind of expenses, actions, claims and liabilities for any property damaged or persons injured by, or in any way connected with, or arising from the construction,

operation, maintenance or removal of said system and that it shall further procure, deliver, and maintain on file with said Council continuing proof of liability insurance coverage in a reputable insurance company insuring said Community TCI of Ohio, Inc., and said City against such claims and liabilities up to \$500,000.00 for any one person injured, and up to \$1,000,000.00 for total personal injuries, and against such claims and liabilities up to \$250,000.00 for any one person's property damaged and up to \$500,000.00 for total property damages.

(c) That said Community TCI of Ohio, Inc., shall agree in writing to remove promptly at its own expense, said system from said alleys and streets upon the expiration or termination of this franchise, unless the same or any succeeding franchise granted said Community TCI of Ohio, Inc., shall be assigned and the assignee thereof, shall have been permitted to undertake such removal responsibility in lieu of the said Community TCI of Ohio, Inc.

(d) That said Community TCI of Ohio, Inc., shall accept this franchise and the conditions thereof, in writing, within sixty (60) days of the date of the enactment of this ordinance.

(e) That said Community TCI of Ohio, Inc., shall at all times maintain a high quality television level in keeping with the technical specifications set forth by the FCC, and that if certain specifications are not met, the City will notify Community TCI of Ohio, Inc., in writing, of the exact nature of the alleged failure. Community TCI of Ohio, Inc., shall have thirty (30) days to correct such failure. If after such 30-day period, the technical specifications are still not met, the City may take appropriate action, which may include, among other remedies, consideration of franchise revocation.

(f) That in the event the Council of the City of Moundsville deems it feasible to televise Moundsville Council meetings and similar municipal functions, said Community TCI of Ohio, Inc. hereby agrees to provide access for the same on its channel currently numbered 5, commonly known as the local time and weather channel without charge for the same to the said City.

Section 7. Nothing contained in this ordinance shall be taken or construed to lessen, abridge, or impair in any manner whatsoever any of the rights, privileges or franchises heretofore granted by said City of Moundsville, or in any manner interfere or impair the control of roads, streets, alleys, and other public grounds by the City of Moundsville.

Section 8. Upon a petition signed by thirty-five percent (35%) of the subscribers of the service rendered by Community TCI of Ohio, Inc., and after a public hearing held after ten (10) days notice published in a newspaper of general circulation in said City, Council shall have the right to repeal this ordinance.

Section 9. The right to use and occupy said streets, alleys, public ways and places for the purposes herein set forth, shall not be exclusive, and the City reserves the right to grant a similar use of said streets, alleys, public ways and places to any person at any time during the period of this franchise.

Section 10. The said Community TCI of Ohio, Inc., upon notification, shall respond to all service complaints within forty-eight hours after notification whether verbal or written. Said Community TCI of Ohio, Inc., shall further maintain a local area business office or agent which subscribers may telephone during regular business hours without incurring added message or toll charges so that cable television maintenance service shall be promptly available. Should a subscriber or the City, have an unresolved complaint regarding the quality of cable television service, equipment malfunctions, or similar matters, the subscriber shall be entitled to meet jointly with the City Council and a representative of the said Community TCI of Ohio, Inc., within thirty (30) days to fully discuss and resolve such matters. The said Community TCI of Ohio, Inc., will, in the event of a continuous loss of cable signals longer than a 24-hour period, honor subscribers requests for refunds proportionate to time said subscriber was without cable signal.

Section 11. Community TCI of Ohio, Inc., shall pay to the City, quarterly each calendar year, a franchise fee of three percent (3%) of the gross quarterly basic subscriber, revenue received for cable television operations in the City for the preceding quarter year. The said Community TCI of Ohio, Inc., shall provide an annual summary report showing gross annual basic subscriber revenue received during the preceding year, with the right of the City to make a reasonable inspection of the said Community TCI of Ohio, Inc. books and records to verify the same.

Section 12. Any modification resulting from amendment of the Rules and Regulations of the Federal Communications Commission shall be incorporated into this Agreement as of the date such modifications become obligatory under FCC regulations, or in the event no obligatory date is established, within one year of adoption or at the time of franchise renewal, whichever occurs first.

Section 13. The present cable television system heretofore installed by Community TCI of Ohio, Inc., throughout the City of Moundsville, is hereby approved as to extent of service area, and Community TCI of Ohio, Inc. is hereby authorized to extend the system as necessary, according to

[REDACTED]

[REDACTED]

[REDACTED]

usual connection fees for all subscribers, provided that such extension is technically and physically feasible. The 1,320 feet shall be measured in the extension length of the Community TCI of Ohio, Inc.'s cable requirements for service located within the public way or easement and shall not include length of necessary service drop to the subscriber's home or premises.

(b) No person, firm or corporation in the service area shall be arbitrarily refused service. However, for unusual circumstances such as requirement for underground cable or more than 150 feet of distance from distribution cable to connection of service to subscribers, or a density of less than fourteen (14) subscribers per 1,320 feet of cable system, service may be made available on the basis of costs of materials, labor and easements.

(c) In the event that additional adjacent territory is incorporated within the City's limits by annexation or otherwise, the rights and duties under this agreement shall be deemed to include such additional territory.

Section 14. No portion of this ordinance shall be construed to repeal or amend any law, regulation, or ordinance of the State of West Virginia or any political subdivision, commission or agency thereof, including therein said City of Moundsville, nor to infringe upon or usurp the prerogative, authority or jurisdiction of the same, and in the event any portion hereof, be determined to be void by reason of an unintentional infringement or usurpation prerogative as aforesaid, said portion shall be considered separable and the remainder of said ordinance shall be considered to remain in full force and effect.

Section 15. This ordinance, subject to the provisions herein, shall be effective from and after the date of its passage.

Passed First Reading: January 28, 1986

Passed Second Reading: February 11, 1986

LORETTA FRANCIS, City Clerk

PUBLISH: January 29, 1986

February 5, 1986





TCI of West Virginia, Inc.

November 30, 1992

The Honorable Wilbur Lude  
Mayor of Moundsville  
227 1/2 Elm Avenue  
Moundsville, West Virginia 26041

Dear Mayor Lude:

On February 01, 1993, TCI of West Virginia, Inc. will increase its rates for Basic Service, Expanded Basic Service, Converter Box Rental, Late Fees, HBO, and selected pay-TV packages. The amount of the increase is comparable to the cost of living increase for this region over the past year, plus increases in programming costs. Attached is a copy of the bill insert to our customers, who will be notified by January 01, 1993.

The adjustment offsets increased costs of technical equipment, salaries for our employees, and for increases in program fees that we pay to many networks we carry on the system.

As you may know, on October 05, 1992, Congress passed cable legislation which, among other items, provides for local rate legislation. However, the rate regulation provisions of the '92 Cable Act do not become effective until April 03, 1993. Prior to that date, the current law, the rate regulation provision in the 1984 Cable Act, still applies. Also by April 03, 1993, the FCC must adopt procedures to implement rate regulation. While we do not know what criteria will be adopted by the FCC, the Cable Act did give the FCC a few guidelines. Our rate increase is consistent with these guidelines. It is reasonable in that it reflects our regional cost of living index and the increase in fees from our program suppliers.

Most of the provisions of the new law will not take effect until 1993. Many standards must be set by the FCC. TCI of West Virginia, Inc. intends to abide by the provisions of the law; in fact, we are in compliance with several already. As the process of regulating the industry unfolds over the next several months, we will keep you fully updated.

2184 National Road  
P.O. Box 2078  
Wheeling, West Virginia 26003  
(304) 242-5600  
(304) 737-0281

An Equal Opportunity Employer